THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on :22.05.2007

WP(C) No.3475/2007

KIRLOSKAR OIL ENGINE LTD & ANR. ...Petitioners

- versus -

UCO BANK AND OTHERS ...Respondents

Advocates who appeared in this case:
For the Petitioner : Mr Mr Sudhanshu Chaudhary with Ms Rajshree Dubey

For the Respondents Mr Gaurav Duggal.
Mr Rajesh Ratan for the UCO Bank.

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. The petitioner is aggrieved by the proceedings before the Estate Officer. The main grievance of the petitioner is that the General Manager of UCO Bank, which is the respondent No.1 herein, has been appointed as the Estate Officer. According to the learned counsel for the petitioner, this would amount to a violation of the doctrine that "no man can be judge in his own cause". I am afraid that I am unable to agree with this contention of the learned counsel for the petitioner. As pointed out by the Supreme Court in ***Crawford***.

***Bayley & Co. vs. UOI:* 2006 6 SCC 25,** the said doctrine can be applied only to cases where the person concerned has a personal interest or has himself already done some act or taken a decision in the matter concerned. For that doctrine to come into play it must be shown that the officer concerned has a personal bias or connection or a personal interest or has personally acted in the matter concerned and/or has already taken a decision one way or the other which he may be interested in supporting. Paragraph 18 of the said decision reads as under:

> "18. In this connection, a reference was made to Delhi Financial Corpn. V Rajiv Anand with regard to personal bias i.e. An officer of the statutory authority has been appointed as an Estate Officer, therefore, they will carry their personal bias. However, this Court in the aforesaid case held that the doctrine "no man can be a judge in his own cause" can be applied only to cases where the person concerned has a personal interest or has himself already done some act or taken a decision in the matter concerned. Merely because an officer of a corporation is named to be the authority does not by itself bring into operation the doctrine, "no man can be a judge in his own cause". For that doctrine to come into play it must be shown that the officer concerned has a personal bias or connection or a personal interest or has personally acted in the matter concerned and/or has already taken a decision one way or the other which he may be interested in supporting."

2. The Supreme Court in paragraph 23 of the said decision further clarified that the Estate Officer appointed by the administrative department concerned cannot be said to be a judge in his own cause. To invoke the said doctrine of "no man can be a judge in his own cause" certain other conditions stipulated by the Supreme Court have to be satisfied. None of those conditions is satisfied in the present case. Accordingly, there is no fault with the

appointment of the General Manager of UCO Bank as the Estate Officer

This writ petition is dismissed.

BADAR DURREZ AHMED

(JUDGE)

May 22, 2007
J